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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER MONTANO,

Defendant.

2:20-CR-199-JAD-NJK

Second Amended Final Order of Forfeiture

13 The United States District Court for the District of Nevada entered an Amended
14 Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18
15 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p) based upon the plea
16 of guilty by Javier Montano to the criminal offense, forfeiting the property and imposing an
17 in personam criminal forfeiture money judgment set forth in the Plea Agreement and the
18 Forfeiture Allegation of the Criminal Information and shown by the United States to have
19 the requisite nexus to the offense to which Javier Montano pled guilty. Criminal
20 Information, ECF No. 4; Plea Agreement, ECF No. 6; Arraignment & Plea, ECF No. 8;
21 Amended Preliminary Order of Forfeiture, ECF No. 20.

22 This Court finds that on the government's motion, the Court may at any time enter
23 an order of forfeiture or amend an existing order of forfeiture to include subsequently
24 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
25 32.2(b)(2)(C).

26 The in personam criminal forfeiture money judgment amount of \$1,194,672.68
27 complies with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017) and *United States v.*
28 *Thompson*, 990 F.3d 680 (9th Cir. 2021).

1 This Court finds the United States published the notice of forfeiture in accordance
2 with the law via the official government internet forfeiture site, www.forfeiture.gov,
3 consecutively from October 3, 2020, through November 1, 2020, and from May 4, 2021,
4 through June 2, 2021, notifying all potential third parties of their right to petition the Court.
5 Notice of Filing Proof of Publication, ECF Nos. 15-1, p. 5 and 30-1, p. 5.

6 This Court finds the United States notified known third parties by personal service or
7 by regular mail and certified mail return receipt requested of their right to petition the Court.
8 Notice of Filing Service of Process-Personal Service, ECF No. 27; Notice of Filing Service
9 of Process – Mailing, ECF No. 31.

10 On May 21, 2021, the United States Marshals Service personally served Adelina
11 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice.
12 Notice of Filing Service of Process-Personal Service, ECF No. 27.

13 On May 12, 2021, the United States Attorney's Office attempted to serve Natalie
14 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
15 through regular mail and certified mail return receipt requested at Fresno, California. The
16 mail was returned as attempted not known. Notice of Filing Service of Process – Mailing
17 Exhibits, ECF No. 31-1, p. 3, 6-7, 9-12, 14-16.

18 On May 12, 2021, the United States Attorney's Office attempted to serve Natalie
19 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
20 through certified return receipt mail at Reedley, California. The certified mail was returned
21 as refused. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-1, p. 3, 6-7,
22 9-12, 17-19.

23 On May 12, 2021, the United States Attorney's Office served Natalie Montano with
24 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
25 at Reedley, California. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
26 1, p. 3, 6-7, 9-12, 17.

27 On May 12, 2021, the United States Attorney's Office attempted to serve Adelina
28 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice

1 through certified return receipt mail at Reedley, California. The certified mail was returned
2 as refused. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-1, p. 3, 6-7,
3 9-12, 20-22.

4 On May 12, 2021, the United States Attorney’s Office served Adelina Montano with
5 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
6 at Reedley, California. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
7 1, p. 3, 6-7, 9-12, 20.

8 On May 12, 2021, the United States Attorney’s Office attempted to serve Adelina
9 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
10 through certified return receipt mail at North Las Vegas, Nevada. The certified mail was
11 returned as unclaimed. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
12 1, p. 3, 6-7, 9-12, 23-26.

13 On May 12, 2021, the United States Attorney’s Office served Adelina Montano with
14 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
15 at North Las Vegas, Nevada. Notice of Filing Service of Process – Mailing Exhibits, ECF
16 No. 31-1, p. 3, 6-7, 9-12, 23.

17 On August 6, 2021, this Court entered the Final Order of Forfeiture, ECF No. 33.

18 On February 17, 2022, this Court entered the Amended Final Order of Forfeiture,
19 ECF No. 57.

20 On April 29, 2022, Petitioner Lakeview Loan Servicing LLC filed a Motion to Set
21 Aside Amended Final Order of Forfeiture, ECF No. 60.

22 On July 15, 2022, the government filed the Stipulation of Third-Party Petitioner,
23 Lakeview Loan Servicing, LLC, and Order, ECF No. 68.

24 On July 18, 2022, this Court granted the government’s Stipulation of Third-Party
25 Petitioner, Lakeview Loan Servicing, LLC, and Order, ECF No. 69, and withdrew the
26 Motion to Set Aside Amended Final Order of Forfeiture, ECF No. 70.

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1 **SUBSTITUTION–6633 Lavender Lion St, North Las Vegas, Nevada 89086**

2 On May 20, 2021, the government filed a Motion to Substitute and Forfeit Property
3 as to 6633 Lavender Lion St, North Las Vegas, Nevada 89086, ECF No. 26.

4 On June 7, 2021, this Court granted the government’s Motion to Substitute and
5 Forfeit Property as to 6633 Lavender Lion St, North Las Vegas, Nevada 89086, ECF No.
6 29.

7 On October 20, 2021, the United States Marshals Service executed the substitution
8 and forfeiture order and took the property into custody. Notice of Filing Take into Custody,
9 ECF No. 40-1, p. 3.

10 On January 6, 2022, the United States filed a Motion for Interlocutory Sale, ECF
11 No. 50.

12 On January 25, 2022, this Court granted the government’s Motion for Interlocutory
13 Sale, ECF No. 54.

14 This Court finds the United States published the notice of forfeiture in accordance
15 with the law via the official government internet forfeiture site, www.forfeiture.gov,
16 consecutively from October 29, 2021, through November 27, 2021. Notice of Filing Proof of
17 Publication, ECF No. 43-1, p. 5.

18 This Court finds the United States notified known third parties by personal service or
19 by regular mail and certified mail return receipt requested of their right to petition the Court.
20 Notice of Filing Service of Process – Mailing, ECF No. 48; Notice of Filing Service of
21 Process-Personal Service, ECF No. 52.

22 On November 8, 2021, the United States Attorney’s Office served ZB, N.A. dba
23 Nevada State Bank c/o Registered Agent, Corporation Service Company, with copies of the
24 Substitution and Forfeiture Order and Notice through regular mail and certified mail.
25 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 3-15.

26 On November 8, 2021, the United States Attorney’s Office served Javier Montano,
27 Inmate #56432-048 c/o USP Lompoc, US Penitentiary, with copies of the Substitution and
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1 Forfeiture Order and Notice through regular mail and certified mail. Notice of Filing
2 Service of Process – Mailing Exhibits, ECF No. 48-1, p. 16-18.

3 On November 8, 2021, the United States Attorney’s Office served Adelina Montano
4 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
5 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 19-22.

6 On November 8, 2021, the United States Attorney’s Office attempted to serve
7 Adelina Montano with copies of the Substitution and Forfeiture Order and Notice through
8 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
9 Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 19-22.

10 On November 8, 2021, the United States Attorney’s Office served Natalie Montano
11 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
12 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 23-26.

13 On November 8, 2021, the United States Attorney’s Office attempted to serve
14 Natalie Montano with copies of the Substitution and Forfeiture Order and Notice through
15 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
16 Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 23-26.

17 On December 7, 2021, the United States Marshals Service personally served Barry
18 Rowe with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
19 Service of Process-Personal Service, ECF No. 52-1, p. 3, 20-27.

20 On December 7, 2021, the United States Marshals Service personally served Jessica
21 Jamieson with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
22 Service of Process-Personal Service, ECF No. 52-1, p. 4, 20-27.

23 On December 7, 2021, the United States Marshals Service personally served Joel
24 Montano with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
25 Service of Process-Personal Service, ECF No. 52-1, p. 5, 20-27.

26 On December 7, 2021, the United States Marshals Service personally served
27 Nicholas Wooldridge as Attorney for Javier Montano with copies of the Substitution and

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Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 6, 20-27.

On November 23, 2021, the United States Marshals Service personally served Briana Johnson, Clark County Assessor, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 7, 20-27.

On November 23, 2021, the United States Marshals Service personally served Lynn Goya, Clark County Clerk, Clark County Board of Commissioners, Commission Division, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 8, 20-27.

On November 23, 2021, the United States Marshals Service personally served Lynn Goya, Clark County Clerk, Clark County Water Reclamation Dist., Commission Division, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 9, 20-27.

On November 23, 2021, the United States Marshals Service personally served Debbie Conway, Clark County Recorder, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p.10, 20-27.

On November 23, 2021, the United States Marshals Service personally served Laura B. Fitzpatrick, Clark County Treasurer, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 11, 20-27.

On December 7, 2021, the United States Marshals Service personally served Steven B. Wolfson, Clark County District Attorney, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 12, 20-27.

On November 23, 2021, the United States Marshals Service personally served Marilyn Kirkpatrick, Commissioner & Chairperson, with copies of the Substitution and / / /

1 Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No.
2 52-1, p. 13, 20-27.

3 On December 7, 2021, the United States Marshals Service personally served
4 Esplanade HOA c/o Registered Agent, Nevada Community Management, LLC, with
5 copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of
6 Process-Personal Service, ECF No. 52-1, p. 14, 20-27.

7 On December 7, 2021, the United States Marshals Service personally served ZB,
8 N.A. dba Nevada State Bank c/o Deborah Smith as Secretary, with copies of the
9 Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal
10 Service, ECF No. 52-1, p. 15, 20-27.

11 On December 7, 2021, the United States Marshals Service personally served ZB,
12 N.A. dba Nevada State Bank c/o Dallas Haun as President, with copies of the Substitution
13 and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF
14 No. 52-1, p. 16, 20-27.

15 On December 7, 2021, the United States Marshals Service personally served ZB,
16 N.A. dba Nevada State Bank c/o Jeremy Aguero as Director, with copies of the
17 Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal
18 Service, ECF No. 52-1, p. 17, 20-27.

19 On December 7, 2021, the United States Marshals Service personally served ZB,
20 N.A. dba Nevada State Bank c/o Terry Shirey as Treasurer, with copies of the Substitution
21 and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF
22 No. 52-1, p. 18, 20-27.

23 **SUBSTITUTION 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada License**
24 **Plate FASGOAT:**

25 On September 15, 2021, the government filed a Motion to Substitute and Forfeit
26 Property as to the 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada License
27 Plate FASGOAT, ECF. No 36.

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1 On October 5, 2021, this Court granted the government's Motion to Substitute and
2 Forfeit Property as to the 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada
3 License Plate FASGOAT, ECF No. 38.

4 On October 20, 2021, the United States Marshals Service executed the substitution
5 and forfeiture order and took the property into custody. Notice of Filing Take into Custody,
6 ECF No. 39-1, p. 3.

7 On January 6, 2022, the United States filed a Motion for Interlocutory Sale, ECF
8 No. 49.

9 On January 25, 2022, this Court granted the government's Motion for Interlocutory
10 Sale, ECF No. 53.

11 On February 28, 2022, the United States Marshals Service sold the 1967 Silver
12 Pontiac 2T GTO, VIN: 242177Z128178, Nevada License Plate FASGOAT, ECF No. 59.

13 This Court finds the United States published the notice of forfeiture in accordance
14 with the law via the official government internet forfeiture site, www.forfeiture.gov,
15 consecutively from October 29, 2021, through November 25, 2021. Notice of Filing Proof of
16 Publication, ECF No. 42-1, p. 5.

17 This Court finds the United States notified known third parties by personal service or
18 by regular mail and certified mail return receipt requested of their right to petition the Court.
19 Notice of Filing Service of Process – Mailing, ECF No. 47; Notice of Filing Service of
20 Process-Personal Service, ECF No. 51.

21 On November 8, 2021, the United States Attorney's Office attempted to serve GM
22 Financial c/o Accounts Payable in Phoenix, Arizona, with copies of the Substitution and
23 Forfeiture Order and Notice through regular mail and certified mail. The regular and
24 certified mail were returned as attempted-not known. Notice of Filing Service of Process –
25 Mailing Exhibits, ECF No. 47-1, p. 3-17.

26 On November 8, 2021, the United States Attorney's Office served GM Financial c/o
27 Accounts Payable in Fort Worth, Texas, with copies of the Substitution and Forfeiture

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1 Order and Notice through regular mail and certified mail. Notice of Filing Service of
2 Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 18-19.

3 On November 8, 2021, the United States Attorney's Office attempted to serve GM
4 Financial c/o Registered Agent, Franklin Markety, with copies of the Substitution and
5 Forfeiture Order and Notice through regular mail and certified mail. The regular and
6 certified mail were returned as not delivered as addressed. Notice of Filing Service of
7 Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 20-22.

8 On November 8, 2021, the United States Attorney's Office served Javier Montano,
9 Inmate #56432-048 c/o USP Lompoc, US Penitentiary, with copies of the Substitution and
10 Forfeiture Order and Notice through regular mail and certified mail. Notice of Filing
11 Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 23-25.

12 On November 8, 2021, the United States Attorney's Office served Adelina Montano
13 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
14 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 26-29.

15 On November 8, 2021, the United States Attorney's Office attempted to serve
16 Adelina Montano with copies of the Substitution and Forfeiture Order and Notice through
17 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
18 Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 26-29.

19 On November 8, 2021, the United States Attorney's Office served Natalie Montano
20 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
21 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 30-33.

22 On November 8, 2021, the United States Attorney's Office attempted to serve
23 Natalie Montano with copies of the Substitution and Forfeiture Order and Notice through
24 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
25 Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 30-33.

26 On December 7, 2021, the United States Marshals Service personally served Barry
27 Rowe with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
28 Service of Process-Personal Service, ECF No. 51-1, p. 3, 8-14.

1 On December 7, 2021, the United States Marshals Service personally served Jessica
2 Jamieson with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
3 Service of Process-Personal Service, ECF No. 51-1, p. 4, 8-14.

4 On December 7, 2021, the United States Marshals Service personally served Joel
5 Montano with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
6 Service of Process-Personal Service, ECF No. 51-1, p. 5, 8-14.

7 On December 7, 2021, the United States Marshals Service personally served
8 Nicholas Wooldridge as Attorney for Javier Montano with copies of the Substitution and
9 Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No.
10 51-1, p. 6, 8-14.

11 This Court finds no petition was filed herein by or on behalf of any person or entity
12 and the time for filing such petitions and claims has expired.

13 This Court finds no petitions are pending regarding the property named herein and
14 the time has expired for presenting such petitions.

15 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
16 all possessory rights, ownership rights, and all rights, titles, and interests in the property
17 hereinafter described are condemned, forfeited, and vested in the United States:

- 18 1. 2013 BMW 550, VIN WBAFR9C59DDX8054I;
- 19 2. The US Currency in lieu of the 1967 Silver Pontiac 2T GTO, VIN:
20 242177Z128178, Nevada License Plate FASGOAT; and
- 21 3. 6633 Lavender Lion St, North Las Vegas, Nevada 89086, more particularly
22 described as:

23 Lot Thirty-Nine (39) of FINAL MAP OF MARLIDA (a common interest
24 community), as shown by map thereof on file in Book 125 of Plats, Page 84, in
25 the Office of the County Recorder of Clark County, Nevada, TOGETHER
26 WITH ALL IMPROVEMENTS AND APPURTENANCES THEREON, APN:
27 124-24-310-039
28 (all of which constitutes property); and

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1 that the United States recover from Javier Montano the in personam criminal
2 forfeiture money judgment of \$1,194,672.68, and that net sale proceeds of the property will
3 be applied toward the payment of the money judgment; and

4 the forfeiture of the money judgment and the property is imposed pursuant to Fed.
5 R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. §
6 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that
7 the money judgment shall be collected; and that the property and the collected amount shall
8 be disposed of according to law.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Lakeview
10 Loan Servicing LLC will be paid according to the Stipulation, ECF No. 69, when 6633
11 Lavender Lion St, North Las Vegas, Nevada 89086 is sold.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
13 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
14 deposit, as well as any income derived as a result of the government's management of any
15 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
16 disposed of according to law.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
18 copies of this Order to all counsel of record and three certified copies to the United States
19 Attorney's Office, Attention Asset Forfeiture Unit.

20 DATED: July 29, 2022.

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24 JENNIFER A. DORSEY
25 UNITED STATES DISTRICT JUDGE
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